

Template Letter #1 – Request to Use CARES for Larger/Older Persons

I am writing to request an exemption from 14 CFR § 121.311(b) to the extent required for Jorge Daniel Chang to be able to use an FAA Approved Child Restraint System even though he exceeds the weight limits for the CRS. In addition, if my petition is granted, I request that any air carrier or commercial operator operating under part 121 while Daniel is aboard its aircraft is granted an exemption from 14 CFR § 121.311(b)(2)(iii)(B) to the extent necessary to allow Daniel to exceed the specified weight limit for an FAA-approved child restraint system during use of that child restraint system aboard an aircraft.

I believe the pertinent section from 14 CFR part 121 from which we seek relief is Section 121.311 Seats, safety belts, and shoulder harnesses.

My son is 9 years' old, weighs 56 pounds, and is 42 inches tall. My son's physical condition is severe Cerebral Palsy with spastic quadriplegia. As a result of his physical condition, he needs the support and security provided by an FAA Approved Child Restraint, but because of his weight is incapable of compliance with the regulation. I am also submitting the following contact information:

Jorge M. Chang
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I understand that the regulation is written to create a high level of safety for each individual passenger by ensuring that they are securely restrained in their seats during all phases of flight. The regulation also ensures that an individual does not cause harm to other passengers on the airplane by being thrown into them during turbulent or emergency conditions.

I propose that Jorge Daniel be allowed to occupy an FAA Approved Child Restraint (CARES, manufactured by AmSafe, Inc.), even though he exceeds the manufacturer's weight limits. This ensures a high level of safety for Daniel and a high level of safety for the other passengers and crew on the airplane. In fact, in Daniel's case, safety is greatly enhanced by the extra support and security that the FAA Approved Restraint System will provide during the entire flight.

Enhancing safety for Daniel is in the public interest. In addition, the public interest is also served by the fact that the use of this FAA Approved Child Restraint System allows him to use commercial air transportation. Without the support and security of the FAA Approved Child Restraint System, he would be unable to fly commercially.

I also believe that, with certain limitations established by the FAA in a grant to this petition, there can be an equivalent level of safety to that provided by the affected regulation. The CARES restraint has been certified by the manufacturer for use by children 22- 44 pounds. However, the components of the CARES restraint are the same as those used in restraints for adults on aircraft and would maintain their integrity if used by someone who weighed several hundred pounds.

I believe that the limit of 44 pounds was established because, with the additional weight of the child attached to the seatback, the seatback would move forward more quickly in an accident scenario and this might cause a higher HIC load for the person seated in the seat behind the passenger using the CARES restraint (because the seatback moving forward more quickly would mean that it would not be

there to attenuate the energy from the impact of the person seated behind the person using the CARES restraint).

In order to achieve an equivalent level of safety as that provided by the affected regulation, I propose that the FAA establish a limitation in a grant to this petition that Daniel only sits in a passenger seat with no passenger seated behind her. Therefore, no unsafe condition would exist for a passenger seated behind Daniel while he's is using the CARES restraint. I also propose that all operations under this exemption be conducted with at least one of Daniel's parents or a caregiver accompanying him or her. In addition, I propose that Daniel's parent or caregiver must carry a copy of this exemption.

I also request that the processing of this petition not be delayed for publication and comment in the Federal Register. We want to travel on 03/12/2022. If you take the time to put this in the Federal Register, it will delay the process and we may not be able to travel in this timeframe.

If it is necessary to put a summary in the Federal Register, I submit the following:

This is a request for an exemption from FAR 121.311 (b) to the extent required for a child to use an FAA Approved Child Restraint System on an aircraft, even though the child exceeds the weight limits for the CRS. Due to physical challenges, without the support and security of this FAA Approved Child Restraint System, this child would be unable to fly. We request that this child be allowed to occupy an FAA Approved Child Restraint (CARES, manufactured by AmSafe, Inc.), even though he exceeds the manufacturer's weight limits of 44 pounds. In this case, the safety of this child is greatly enhanced by the extra support and security that the FAA Approved Restraint System will provide for him during the flight.

Thank you for your consideration of this request.